

Application Serial No. 10/824,582
Reply to Final Office Action of March 16, 2007

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REMARKS

The application has been reviewed and revised in light of the Final Office Action mailed on March 16, 2007. Claims 1-5, 7-12, 14-18, and 22-24 are currently pending in the application, with Claims 1, 8, 15, and 22 being in independent form. By this amendment, Claims 4, 11, 15-18, and 23 have been cancelled. Claims 1, 8, and 22 have been amended. The amendment of Claims 1, 8, and 22 have been amended by incorporating therein dependent Claims 4, 11, and 23, respectively. No further amendments were made to Claims 1, 8, and 22. Accordingly, a new search is not required. No new matter or issues have been introduced by the amendments. In view of the amendments above and the following remarks, reconsideration and allowance of this application are respectfully requested.

**Rejection of Claims 1, 7, 8, 14, 15, and 18
Under 35 U.S.C. §102(e)**

Claims 1, 7, 8, 14, 15, 18, and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,702,183 issued to Gregerson et al. (hereinafter "Gregerson et al."). Independent Claims 1, 8, and 22 have been amended in a manner which is believed to overcome the cited rejection, and Claims 15 and 18 have been cancelled.

Specifically, Claim 1 has been amended to recite "An actuator assembly ... comprising: means for providing for user selection of a mode selected from the group of modes consisting of: an omnidirectional mode for performing a read operation for reading an optical code oriented in any orientation included in the set of multiple orientations, a restricted omnidirectional mode for performing a read operation for reading the optical code when oriented only in an orientation of a reduced set of the set of multiple orientations, a parameter adjustment mode for adjusting at least one parameter of the omnidirectional scanner system, and an aim mode for illuminating a target

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object and disrupting a corresponding read operation... wherein the actuator assembly is a single trigger." Claim 8 has been amended to recite the same limitation underlined above.

Gregerson et al. is directed to a barcode scanner capable of being operated in one of three modes. In a first mode, an omnidirectional scan pattern is produced. In a second mode, a single line scan pattern is produced and decoding of barcodes is inhibited. In a third mode, a single line scan pattern is produced and barcodes falling within the field of view of the scanner are decoded.

Gregerson et al. does not disclose or suggest at least "wherein the actuator assembly is a single trigger" as recited by independent Claim 1, and similarly recited by independent Claim 8. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to independent Claims 1 and 8 and allowance thereof are respectfully requested.

Dependent Claims 7 and 14 depend from independent Claims 1 and 8, respectively, and therefore include the limitations of Claims 1 and 8. Accordingly, for at least the same reasons given for Claims 1 and 8, Claims 7 and 14 are believed to contain patentable subject matter, and are therefore patentable for at least the reasons given above for independent Claims 1 and 8. Accordingly, for at least the reasons stated above, reconsideration and withdrawal of the rejection of dependent Claims 7 and 14 is respectfully requested and allowance of the dependent claims is earnestly solicited.

Rejection of Claims 2-5, 9-12, 16, 17, 23, and 24 under 35 U.S.C. §103(a)

Claims 2, 3, 9, 10, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gregerson et al. in view of U.S. Patent No. 5,818,025 issued to Gregerson et al. (hereinafter "Gregerson et al. '025"). Claims 4, 5, 11, 12, 17, 23, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gregerson et al. in view of U.S. Patent No. 6,318,634 issued to Svetal et al. (hereinafter "Svetal et al."). Claims 4, 11, 16, 17, and 23 have been cancelled. Independent Claims 1, 8 and 22 have been amended to incorporate dependent Claims 4, 11 and

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23, respectively. Accordingly, the rejection of claims 4, 11, and 23 are herein discussed with reference to Claims 1, 8 and 23, respectively.

Svetal et al. is directed to a barcode scanner having a scanning mechanism including a rotating polygon mirror assembly having multiple facets attached at one end to a base which is rotated by a motor. The attachment between the facets and the base is sufficiently flexible so that when the base rotates at a sufficient speed the facets are subjected to a centrifugal force, causing the facets to flare out and change their position. An optical beam is directed onto the polygon mirror assembly, producing a reflected scan line pattern when the polygon mirror assembly is rotated. The configuration of the scan line pattern depends on the speed at which the base is rotated which affects the angular position of the facets relative to a resting position. Scan line patterns produced may include a single scan line pattern or an omnidirectional scan line pattern. A single trigger may be used to actuate the motor and select the speed of the motor.

Neither Gregerson et al. nor Svetal et al., taken alone or in any combination, describe an omnidirectional scanner having an omnidirectional mode, a restricted omnidirectional mode, a parameter adjustment mode, and an aim mode, where the mode is selectable using a single trigger. While Svetal et al. may describe selection of an omnidirectional mode and a single line scan mode using a single trigger, Svetal et al. does not describe using the single trigger to disrupt a corresponding read operation. It would not be obvious to use the single trigger to disrupt a corresponding read operation in addition to the selecting an omnidirectional mode and a single scan mode. Accordingly, neither Gregerson et al. nor Svetal et al., taken alone or in any proper combination, describe "an actuator assembly comprising: means for providing for user selection of a mode selected from the group of modes consisting of: an omnidirectional mode for performing a read operation for reading an optical code oriented in any orientation included in the set of multiple orientations, a restricted omnidirectional mode for performing a read

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operation for reading the optical code when oriented only in an orientation of a reduced set of the set of multiple orientations, a parameter adjustment mode for adjusting at least one parameter of the omnidirectional scanner system, and an aim mode for illuminating a target object and disrupting a corresponding read operation...wherein the actuator assembly is a single trigger" as recited by Applicants' Claim 1 and similarly recited by Applicants' independent Claims 8 and 22.

Claims 2, 3, 5, 9, 10, 12, 23, and 24 depend from independent Claims 1, 8, and 22.

Therefore, for at least the same reasons given above for independent Claims 1, 8, and 22, it is respectfully submitted that dependent Claims 2, 3, 5, 9, 10, 12, 23, and 24 are also believed to be patentable over the cited references, taken alone or in any proper combination.

Accordingly, Claims 2, 3, 5, 9, 10, 12, 23, and 24 are believed to be patentable over Gregerson et al., Gregerson et al. '025, and Svetal et al., taken alone or in any proper combination, and withdrawal of the rejection under 35 U.S.C. Section 103(a) with respect to Claims 2, 3, 9, 10, 12, 23, and 24 and allowance thereof are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application, namely, Claims 1-3, 5, 7-10, 12, 14, and 22-24, are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested.

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Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully Submitted,



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